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APPLICATION NO. 34	FILING DATE 07/21/96	FIRST NAMED INVENTOR MCCABE	ATTORNEY DOCKET NO. 8
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MM51/0622

EXAMINER SPYROU, C

ART UNIT 2837	PAPER NUMBER 8
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DATE MAILED:

06/22/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/734,346

Applicant(s)
MCCABE

Examiner
Cassandra Spyrou

Group Art Unit
2837



☒ Responsive to communication(s) filed on May 1, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) 1-6 and 13-31 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 7-12 and 32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2112

DETAILED ACTION

Election/Restriction

1. Newly submitted claims 23-31 are directed to an invention that is independent or distinct from the invention originally elected. Specifically these claims are directed to Invention III. Accordingly, these claims are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's election without traverse of Invention III in Paper No. 3 is acknowledged.

2. Claims 1-6 and 13-31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made **without** traverse in Paper No. 3.

3. This application contains claims 1-6 and 13-31 are drawn to an invention non-elected with traverse in Paper No. 3. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) MPEP § 821.01.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Art Unit: 2112

Claim Rejections - 35 USC § 112

5. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, "said separate means" is part of the attachment. Therefore, it cannot be between the attachment means and other structure.

Regarding claim 9, "spring holder means" is recited as being part of the attachment. Therefore, it cannot be between the attachment means and other structure.

Regarding claim 10, "said string holder displacement means" lacks antecedent basis. Further, "screw-like" is indefinite because the claim includes elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Regarding claims 11 and 12, "said thumb-like displacement means" lacks antecedent basis. Further, "thumb-like" is indefinite because the claim includes elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 7-9 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Enserink.

Enserink discloses a fulcrum tremolo is mounted on the body (See Figure 6). The tremolo includes counter springs (#157 and #158). The first end of the counter springs are attached to the body (@right of Figure 6) and the second end of the counter springs are connected to an attachment means (@left side of Figure 9). The attachment means includes separate means for globally tuning the tremolo. The separate means includes a spring holder means (164).

Allowable Subject Matter

8. Claims 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

10. Any inquires regarding this communication should be directed to Cassandra Spyrou at (703) 308-1687.

CCS
June 17, 1998


CASSANDRA C. SPYROU
PRIMARY EXAMINER
GROUP 2100
2837